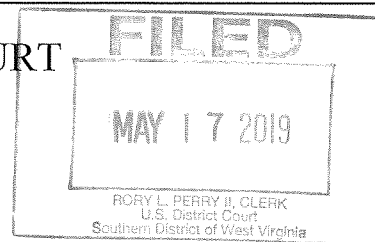


UNITED STATES DISTRICT COURT

for the
Southern District of West Virginia

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

U.S. Postal Service Priority Mail Package tracking number
"9505513009439114188486" with a return address of "Ryan McIntyre, 1006 W. 6th
St., Los Angeles, CA 90017" and a delivery address of "Diane Smith, 3306 W 2nd
Ave, Belle, WV 25015"

Case No. 2:19-mj-00046

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

U.S. Postal Service Priority Mail Package tracking number "9505513009439114188486" with a return address of "Ryan McIntyre, 1006 W. 6th St., Los Angeles, CA 90017" and a delivery address of "Diane Smith, 3306 W 2nd Ave, Belle, WV 25015" currently located at 1002 Lee Street, Charleston, Kanawha County, West Virginia and within the Southern District of West Virginia.

located in the Southern District of West Virginia, there is now concealed (*identify the person or describe the property to be seized*):

U.S. Postal Service Priority Mail Package tracking number "9505513009439114188486" with a return address of "Ryan McIntyre, 1006 W. 6th St., Los Angeles, CA 90017" and a delivery address of "Diane Smith, 3306 W 2nd Ave, Belle, WV 25015" and its contents, including, but not limited to controlled substances and evidence of a violation of 21 U.S.C. §§ 841(a)(1), 843(b), and 846.

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
21 USC 841(a)(1), 843(b), and 846	Distribution of a Controlled Substance, Use of a Communication Facility to Facilitate Drug Trafficking, and Conspiracy to Distribute a Controlled Substance

The application is based on these facts:
See Attached Affidavit.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Joshua D. Mehall, United States Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/16/2019

City and state: Charleston, West Virginia

Judge's signature

Dwane L. Tinsley, United States Magistrate Judge

Printed name and title

A F F I D A V I T

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, to-wit:

I, Joshua D. Mehall, being duly sworn, hereby depose and state as follows:

1. I am a United States Postal Inspector employed with the United States Postal Inspection Service since February 2007. My responsibilities include the investigation of crimes involving the United States Postal Service and crimes furthered through the use of the United States Mail. This includes the investigation of controlled substances sent through the U.S. Mail.

2. This affidavit is made in support of an application for a search warrant to search the contents of a U.S. Postal Service Priority Mail Package bearing tracking number "9505513009439114188486" with a return address of "Ryan McIntyre, 1006 W. 6th St., Los Angeles, CA 90017" and a delivery address of "Diane Smith, 3306 W 2nd Ave, Belle, WV 25015" (hereinafter referred to as the "SUBJECT PARCEL"). The SUBJECT PARCEL is a Priority Mail Large Flat Rate box. SUBJECT PARCEL was mailed on April 24, 2019 from Los Angeles, California with \$19.95 postage affixed. The SUBJECT PARCEL is currently located at 1002 Lee Street, Charleston, West Virginia, 25325.

3. The information contained in this affidavit is based on information I have gained from my investigation, my personal

observations, my training and experience, and information related to me by other law enforcement agents and witnesses.

4. Drug trafficking background gained over the years has shown that drug dealers and drug traffickers utilize the United States Postal Service for shipping controlled substances, including but not limited to cocaine, heroin, methamphetamine, marijuana, and pharmaceuticals. The use of Express Mail, Priority Mail and First Class Mail are favored because of the reliability, anonymity, speed (overnight service), minimal cost, and ability to track the mail piece.

5. Through experience gained in drug investigations by Postal Inspectors and other law enforcement agents, and through information provided by individuals who have been involved in buying, selling, and shipping drugs by Express Mail, Priority Mail and other types of shipments, the Postal Inspection Service has established a drug profile policy to screen mail packages for controlled substances. The profile characteristics include peculiarities in labeling and unusual packaging techniques as well as other considerations. The reason that handwritten labels are of interest is that the vast majority of premium mail services such as Express and Priority Mail involves business-to-business or business-to-person correspondence and features typewritten or computer-generated labels. Person-to-person correspondence (and

the handwritten labels attendant thereto) accounts for a very small minority of total Express and Priority Mail traffic.

6. Postal Inspectors, Special Agents of the Drug Enforcement Administration (DEA) and other intelligence sources have identified Arizona, Texas, California, Florida, Georgia, Michigan, New Jersey and New York as major source states for illegal drugs flowing into areas within the Southern District of West Virginia.

7. From my experience, training, and knowledge of drug shipments through the United States Mail I am aware that drug traffickers frequently use fictitious names and addresses on the return address portion of the mailing label both to remain anonymous and avoid detection. Some return addresses have been found to be legitimate addresses, but the actual resident at those locations is either fictitious or non-existent. I am also aware that the address of the person that the mail piece is addressed to is generally not fictitious because a valid address is necessary for the package to be delivered. However, at times the true name of the addressee may be altered or ignored in favor of an alias or code name to better disguise their identity from law enforcement.

8. Based upon my knowledge, training, and experience I know that drug traffickers using the United States Postal Service often use unusual packaging techniques. These may include excessive taping or wrapping or by including within the package items having

strong odors in an effort to contain or mask the odor of controlled substances in order to avoid detection by trained narcotics dogs.

9. Your affiant knows based on training and experience as well as consultation with other agents, that drug traffickers often use the U.S. Mail to transport controlled substances as well as United States currency constituting the proceeds of drug trafficking. Your affiant knows based on training and experience that U.S. Postal Service Express Mail is commonly used to transport controlled substances because narcotic traffickers can track the parcels, and control dispatch times and locations.

BACKGROUND OF INVESTIGATION

10. In April 2019, members of the Metropolitan Drug Enforcement Network Team (MDENT) notified your affiant of an investigation involving suspected drug activity at a business located at 3306 West 2nd Avenue, Belle, West Virginia, 25015, and requested a Mail Watch¹ for the address. MDENT detectives informed your affiant that they had received a complaint from the business owner. The complainant informed MDENT that the business received no mail at the address, but that s/he had seen an individual retrieving a package from the porch and had confronted the individual. The complainant provided MDENT with the license plate

¹A Mail Watch is simply a procedure whereby a Postal Inspector receives notice when parcels bearing certain identified characteristics come through a particular Post Office addressed to a residence or location relevant to a criminal investigation.

of the vehicle used by the individual who had retrieved the package. A records request through the West Virginia Division of Motor Vehicles revealed that the vehicle was registered to a Jonathan McClung with an Alum Creek, West Virginia address. MDENT detectives were familiar with Jonathan McClung from an incident in February 2019 when he was present at a residence where MDENT seized when several pounds of marijuana.

11. On April 29, 2019, a U.S. Postal Service employee brought the SUBJECT PARCEL to the Inspection Service office after an individual matching the description of Jonathan McClung approached a mail carrier and asked for the SUBJECT PARCEL. The individual was unable to present identification matching the addressee name on the SUBJECT PARCEL. Consequently, the mail carrier refused to deliver the SUBJECT PARCEL to the individual.

12. Your affiant reviewed the SUBJECT PARCEL, and noted that it bore a handwritten label, excessive taping, and was sent from California, a known source state for illegal drugs coming into the Southern District of West Virginia.

13. On May 1, 2019, your affiant and members of MDENT attempted a knock-and-talk at 842 Alum Creek Drive, Charleston West Virginia, the residence where the Jonathan McClung vehicle was registered. McClung was at the residence, and when asked about the SUBJECT PARCEL, denied any knowledge of the SUBJECT PARCEL. When asked about the previous parcel delivered to the same address,

McClung appeared to be very nervous. McClung was read his Miranda Warning, notified he was still not under arrest, and asked if he wanted to discuss the SUBJECT PARCEL and the previous parcel. McClung said he would prefer to speak with an attorney before answering any further questions. The interview was terminated, and your affiant left a card and telephone number with McClung. To date, your affiant has not received a call from McClung or any attorney representing him.

13. On May 14, 2019, Charleston Police Detective Johnson provided his trained narcotic detection dog, "Rex." Rex has experience with narcotics investigations including drug parcels and was last certified in January 2019. The SUBJECT PARCEL was placed in a line-up with four (4) additional boxes of various shapes and sizes. Rex conducted an exterior examination of all the parcels. Detective Johnson informed me that Rex positively alerted on the SUBJECT PARCEL indicating the presence of the odor of a controlled substance.

14. Based on the information contained herein, your affiant maintains there is probable cause to believe that the SUBJECT PARCEL - U.S. Postal Service Priority Mail Package bearing tracking number "9505513009439114188486"- contains controlled substances, and/or proceeds which are evidence thereof, and/or contraband relevant to violations of 21 U.S.C. §§ 841(a)(1) - distribution of controlled substances; 843(b) - use of a communication facility to

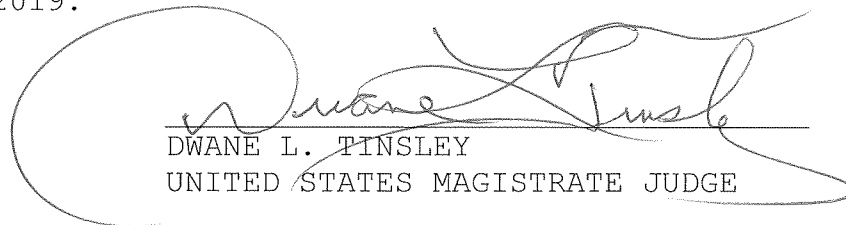
facilitate drug trafficking; and 846 - conspiracy to distribute controlled substances.

Further your affiant sayeth naught.



JOSHUA D. MEHALL
POSTAL INSPECTOR

Sworn to before me, and subscribed in my presence, this
16th Day of May, 2019.



DWANE L. TINSLEY
UNITED STATES MAGISTRATE JUDGE